

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-15 are in this case. Claims 1-7, 9-13 and 15 have been rejected under § 102(e) or § 103(a). Claims 8 and 14 have been objected to. Independent claim 1 and dependent claims 4-6 have been amended. Claim 3 has been canceled. New independent claim 16 has been added.

§ 102(e) Rejections

The Examiner has rejected claims 1, 2 and 7 under § 102(e) as being anticipated by Johansson (US 5913163). The Examiner's rejections are respectfully traversed.

While continuing to traverse the Examiner's rejections, the Applicant has, in order to expedite the prosecution, chosen to amend independent claim 1 to include the limitations of now canceled claim 3. Dependent claims 4-6 have been amended to depend from amended claim 1.

The Applicant submits that the amendment of the claims renders moot the Examiner's rejections under § 102(e). The § 103(a) rejection of claim 3 will be discussed separately below.

§ 103 Rejections

The Examiner has rejected claims 3, 5, 9, 10, 13 and 15 under § 103(a) as being unpatentable over Johansson (US 5913163) in view of Charlier et al. (US 6577877). The Examiner has also rejected claims 4, 6, 11 and 12 under § 103(a) as being unpatentable over Johansson in view of Charlier et al. and further in view of Lefevre et al. (US 5821530). The Examiner's rejections are respectfully traversed.

Referring initially specifically to claim 3, now corresponding to the scope of amended independent claim 1, and independent claim 9, Johansson discloses an integrated local communication system for integrating functionality of both cellular and conventional telephone systems. A major portion of the disclosure of Johansson emphasizes the improved functionality provided to "at least one wireless headset" by combining the freedom of motion of a wireless headset with the dual functionality of cellular and PSTN connectivity. See for example the Background in col. 2 lines 1-53, the Summary from col. 3 line 64 through col. 4 line 1, the Detailed Description in col. 6 lines 43-47, and in claims 2 and 6.

Charlier et al. discloses an optical link between a communications device and a peripheral device (not an audio interface) via an optical fiber.

The Examiner has stated: *"Since both Johansson and Charlier teach a hands-free peripheral that communicates with the cellular communications unit via a bi-directional optical link it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference an[d] use the fiber optic cable taught in Charlier as an alternative means for providing the bi-directional optical link between the headset and the cellular communications unit in Johansson such that the user could operate hands-free."*

The MPEP in Section 706.02(j) sets out the criteria for 35 USC § 103(a). Specifically, the MPEP states:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

With regard to the requirement of "Suggestion or Motivation To Modify the References", section 2143.01 of the MPEP states as follows: **If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.** *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In the present case, the Applicant wishes to point out that the untethered mobility of the headset of Johansson is clearly essential to the intended purpose of the system described. By way of illustration, Figure 10 of Johansson and the accompanying description in col. 10 lines 24-47 set out the decision making process during receipt of a call where the user selects at decision block 1010 to receive a call at any one of the mobile station (e.g. cellular phone) at step 1015, the wireless headset at step 1017 or a conventional corded handset at step 1016. According to the modification of Johansson proposed by the Examiner, the headset would become tethered by an optic fiber cord to the mobile station, thereby effectively reducing the three-way functionality and associated system modularity to a two-way only functionality.

In contrast, the present invention addresses an entirely different problem of how to protect the user of a corded headset from undesired radio frequency electromagnetic radiation which may be transmitted along the electric wires. This problem is addressed by replacing the conventional conductive wire cord with an optic fiber cord. Such an arrangement is not fairly taught or suggested by the combination of references cited by the Examiner.

In view of these arguments, the Applicant respectfully submits that claim 3, now corresponding to amended independent claim 1, and independent claim 9 as filed, should be found allowable over the art of record. Reconsideration is respectfully requested.

Objections

The Examiner has objected to claims 8 and 14 as being based on rejected base claims. The Examiner has noted that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

According to the Examiner's suggestion, and in order to avoid unnecessary limiting of claim 8 by the amendment presented above, the Applicant submits herewith new independent claim 16 corresponding to the scope of original objected claim 8.

Claim 8 itself depends from amended claim 1 which is now believed to be allowable as detailed above.

In view of the above amendments and remarks it is respectfully submitted that independent claims 1, 9 and 16, and hence also dependent claims 2, 4-8 and 10-15, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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Date: April 18, 2004